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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,239	12/19/2006	Yasumori Hino	YAMAPI009US	5367
51921	7590	09/23/2008	EXAMINER	
MARK D. SARALINO (MEI) RENNER, OTTO, BOISSELLE & SKLAR, LLP 1621 EUCLID AVENUE 19TH FLOOR CLEVELAND, OH 44115			GUPTA, PARUL H	
ART UNIT	PAPER NUMBER			
	2627			
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/595,239	<b>Applicant(s)</b> HINO ET AL.
	<b>Examiner</b> PARUL GUPTA	<b>Art Unit</b> 2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 29 March 2006.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-2 and 5-7 is/are rejected.
- 7) Claim(s) 3 and 4 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/DS/06)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1-7 are pending for examination as interpreted by the examiner.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2 and 5-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Mouri et.al., US Patent 7,068,584.

Regarding claims 1 and 5, Mouri et al. discloses in figure 1 and column 1, lines 37-57 an evaluating apparatus and method comprising a digital filter (5) for filtering a signal in accordance with one or more tap coefficients of the digital filter, the evaluating apparatus further comprising: a detecting section ("quality value calculating circuit") for detecting an index ("quality value") to be used for evaluating quality of the signal based on the filtered signal; and a controlling section (10) for controlling the one or more tap coefficients of the digital filter to be within a predetermined range such that a value of the detected index includes an optimal value of the index (column 3, lines 44-57).

Regarding claim 2, Mouri et al. discloses an evaluating apparatus according to claim 1, wherein the digital filter includes a plurality of taps (column 3, lines 44-57 and column 4, lines 40-65), and the controlling section controls a plurality of tap coefficients

of the plurality of taps such that the plurality of taps such that the plurality of tap coefficients are symmetrical (column 2, lines 18-20 and lines 34-48 explain how the values are controlled to correct issues of asymmetry).

Regarding claims 6 and 7, Mouri et al. discloses an evaluating apparatus and method for evaluating quality of a signal, comprising: a maximum likelihood decoding unit ("Viterbi decoder" of element 7) for performing a maximum likelihood decoding on the signal and generating a decoded signal indicating a result of the maximum likelihood decoding (column 4, lines 5-8); a detecting unit for detecting an index to be used for evaluating the quality of the signal based on the signal and the decoded signal (column 2, lines 21-25); and an amplitude controlling unit for controlling an amplitude of the signal such that a value of the detected index approaches an optimal value of the index (column 2, lines 21-33 explains how the value is calculated to approach an optimum value).

***Allowable Subject Matter***

3. Claims 3-4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. None of the prior art of record, taken individually or in combination, teaches the details of the equations given in claims 3-4.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PARUL GUPTA whose telephone number is (571)272-

5260. The examiner can normally be reached on Monday through Thursday, from 10 AM to 7 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joseph H. Feild/  
Supervisory Patent Examiner, Art  
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/Parul Gupta/  
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